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Dated: March 11, 2004

Signature: _____

(Alisa M. Haggemo)

Docket No.: 65807-0065
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
William M. Richardson et al.

Application No.: Not Yet Assigned

Confirmation No.:

Filed: Concurrently Herewith

Art Unit: 2665

For: **PACKET NETWORK MONITORING
DEVICE**

Examiner: S. H. D.

INFORMATION DISCLOSURE STATEMENT (IDS)

MS Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement accompanies the new patent application submitted herewith.

A copy of each reference on the PTO/SB/08 is attached.

A concise explanation of relevance of the items listed on form PTO/SB/08 is given.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any

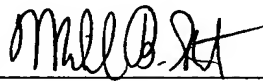
patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 18-0013, under Order No. 65807-0065. A duplicate copy of this paper is enclosed.

Dated: March 11, 2004

Respectfully submitted,

By  _____

Michael B. Stewart

Registration No.: 36,018

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R0231817.DOC

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Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	Not Yet Assigned
				Filing Date	Concurrently Herewith
				First Named Inventor	William M. Richardson
				Art Unit	2665
				Examiner Name	S. H. D.
Sheet	1	of	2	Attorney Docket Number	65807-0065

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	AA	US-4,580,872	04-08-1986	Bhatt et al.	
	AB	US-5,664,105	09-02-1997	Keisling et al.	
	AC	US-5,365,509	11-15-1994	Walsh	
	AD	US-5,703,883	12-30-1997	Chen	
	AE	US-5,309,428	05-03-1994	Copley et al.	
	AF	US-5,619,532	04-08-1997	Tani et al.	
	AG	US-5,115,449	05-19-1992	Lockyer et al.	
	AH	US-5,387,902	02-07-1995	Lockyer et al.	
	AI	US-5,463,735	10-31-1995	Pascucci et al.	
	AJ	US-5,577,023	11-19-1996	Marum et al.	
	AK	US-5,461,318	10-24-1995	Borchert et al.	
	AL	US-4,890,278	12-26-1989	Felker et al.	
	AM	US-5,539,659	07-23-1996	McKee et al.	
	AN	US-5,185,735	02-09-1993	Ernst	
	AO	US-5,231,593	07-27-1993	Notess	
	AP	US-5,048,009	09-10-1991	Conrad	
	AQ	US-5,383,178	01-17-1995	Unverrich	
	AR	US-5,243,543	09-07-1993	Notess	
	AS	US-5,329,519	07-12-1994	I'Anson	
	AT	US-5,293,635	03-08-1994	Faulk, Jr. et al.	
	AU	US-5,341,400	08-23-1994	Davis	
	AV	US-5,377,196	12-27-1994	Godlew et al.	
	AW	US-5,382,910	01-17-1995	Walsh	
	AX	US-3,434,049	03-18-1969	Frye	
	AY	US-5,226,036	07-06-1993	Riley et al.	
	AZ	US-4,766,386	08-23-1988	Oliver et al.	
	AA1	US-5,436,555	07-25-1995	Locke et al.	
	AB1	US-5,425,017	06-13-1995	Copley et al.	
	AC1	US-5,570,029	10-29-1996	Bottman et al.	
	AD1	US-5,614,905	03-25-1997	Crane	
	AE1	US-5,586,054	12-17-1996	Jensen et al.	
	AF1	US-5,198,805	03-30-1993	Whiteside et al.	
	AG1	US-6,016,464	01-18-2000	Vigilant Networks LLC	
	AH1	US-5,532,603	07-02-1996	Bottman	
	AI1	US-5,381,348	01-10-1995	Ernst et al.	
	AJ1	US-5,477,531	12-19-1995	McKee et al.	
	AK1	US-5,367,670	11-22-1994	Ward et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	BA	EP-0 601 768	02-20-2002			
	BB	EP-0 691 546	08-28-2002			
	BC	EP-0 474 379	11-22-1995			
	BD	EP-0 675 607	10-04-1995			

Examiner Signature		Date Considered	
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Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
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	BE	EP-0 480 555	09-18-1996			
	BF	EP-0 683 567	11-22-1995			
	BG	EP-0 551 695	07-21-1993			
	BH	DE-32 46 241	06-14-1984			

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	CA	Derwent English Abstract for DE 32 46 241	
	CB	R.M. Metcalfe, "Ethernet Chip Bugs? I'm Sorry to Say It's True," Info World Publishing Company, Vol. 15, No. 46, p. 61(1) (15 November 1993)	
	CC	"Performance Problems on High Utilization Ethernets," Newsgroups: comp.dcom.lans.ethernet, From: pat@prnd.rose.hp.com (Pat Thaler) (20 October 1993)	
	CD	Performance Problems on High Utilization Ethernets," Newsgroups: comp.dcom.lans.ethernet, From: wirish@parc.xerox.com (Wes Irish) (16 October 1993)	
	CE	R.M. Metcalfe, "Ethernet Elders Confirm the Chip Bug Scandal," InfoWorld 1994, From the Ether, Vol. 16, Issue 11, p. 46(1) (14 March 1994)	
	CF	R.M. Metcalfe, "Ethernet Vendors Testify in Tailgate Scandal," InfoWorld 1994, From the Ether, Vol. 16, Issue 12, p. 50(1) (21 March 1994)	

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¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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